

EXHIBIT “5”

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA

<u>EQUIPMENT FINANCE LLC</u>	:	CIVIL ACTION
	:	
v.	:	
	:	
CAROLYN HORN d/b/a	:	
<u>CAROLYN HORN USED EQUIPMENT</u>	:	NO. 09-2663

AFFIDAVIT

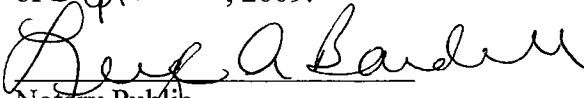
COMMONWEALTH OF PENNSYLVANIA :
: SS
COUNTY OF LANCASTER :

I, Edward T. Martel, Jr., being duly sworn according to law, depose and say as follows:

1. I am Vice President of Plaintiff Equipment Finance, LLC ("EFI").
2. Employees under my direct supervision have searched the records of EFI and have determined that:
 - a) Defendant Carolyn Horn received the wire transfer and the checks totaling \$1,014,700.00 from EFI, as set forth in paragraph 7 of the Complaint, and that she deposited the funds in her own account; and
 - b) Defendant Carolyn Horn was supposed to deliver equipment to various borrowers or alleged borrowers from EFI in consideration for the payments, but she in fact did not deliver any equipment or give any consideration to EFI for the \$1,014,700.00 that she received.


EDWARD T. MARTEL, JR.

Sworn to and Subscribed
before me this 29th day
of September, 2009.


Notary Public

COMMONWEALTH OF PENNSYLVANIA
Notarial Seal
Leigh A. Bardell, Notary Public
East Hempfield Twp., Lancaster County
My Commission Expires Aug. 26, 2011
Member, Pennsylvania Association of Notaries

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